

# **In the Supreme Court of the State of Alaska**

**Donald Tangwall,**  
Appellant,

v.

**George Buscher and Lois Buscher,**  
Appellees.

Supreme Court No. **S-18501**

## **Order**

Date of Order: **August 18, 2022**

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Trial Court Case No. **4FA-19-01974CI**

An order was issued on August 12, 2022 accepting an appeal from Donald Tangwall arising solely from the superior court’s May 27, 2022 order, which rejected a number of Tangwall’s superior court filings after April 13, 2022, but expressly allowed filings relating to execution on a monetary judgment apparently entered against Tangwall and Barbara Tangwall on February 16, 2021. In the order accepting Tangwall’s appeal, it was noted that the appeal “arises solely from, and will be limited solely to, the referenced superior court order.” Even more specifically, the order stated that this court “will not entertain any arguments challenging the superior court’s prior decisions in the underlying superior court case or challenging this court’s decision in Case No. S-17984.”

Also in the August 12, 2022 order, Tangwall was directed to file a docketing statement, pay the required filing fee, and post the required cost bond; the order stated that if the required items were not tendered by August 29, the appeal may be dismissed. As of today, Tangwall has filed a docketing statement and paid the required filing fee, but has not posted the required cost bond.

On August 15, 2022, Tangwall filed a motion to stay execution of “all judgments, orders, and minute orders against the Tangwalls entered after April 13,

2022.”<sup>1</sup> He points to the May 27, 2022 order being appealed in this appeal and an August 3, 2022 order by the superior court denying the Tangwalls’ motion to strike an order overruling the Tangwalls’ objections to a garnishment of their permanent fund dividends (presumably based on a writ of execution for the February 16, 2021 monetary judgment).

It appears that the Tangwalls never appealed the February 16, 2021 monetary judgment entered against them. The validity of that monetary judgment, entered well before the May 27, 2022 order that is on appeal now, is not an issue in the current appeal. And because the superior court’s May 27, 2022 order rejecting the Tangwalls’ post-April 13, 2022 superior court filings expressly allows the Tangwalls to make superior court filings relating to execution on the February 16, 2021 monetary judgment, this appeal of the May 27, 2022 order has nothing at all to do with the February 16, 2021 monetary judgment. If the Tangwalls wish to obtain appellate review of orders issued with respect to a writ of execution on the February 16, 2021 monetary judgment, they must file appropriate petitions for review with this court.

In light of the foregoing, the only subject of Tangwall’s stay motion is the May 27, 2022 order rejecting any filings by the Tangwalls relating to the merits of issues already decided by the superior court and affirmed by this court in Case No. S-17984. When this court considers stay motions, it uses the standards for injunctive relief. The moving party first must establish probable success on the merits of the appeal or at least

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<sup>1</sup> Tangwall expressly concedes that he has not, as required by Appellate Rule 205, first filed a motion for a stay in the superior court. He asserts that it would be futile. Yet the superior court expressly stated in its May 27, 2022 order that filings could be made relating to execution on the monetary judgment.

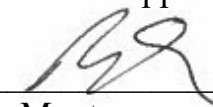
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raise a serious question of the validity of the underlying judgment. Depending on which the moving party can show, if either, generally the court then balances harms to and the interests held by the parties. A moving party generally must establish irreparable harm, or at least more harm than to the non-moving party, absent a stay. A monetary harm that can be remedied at the conclusion of an appeal rarely would constitute irreparable harm.

IT IS ORDERED that Tangwall's stay motion is DENIED because Tangwall did not first seek a stay in the superior court and because he has made no showing whatsoever that he would suffer irreparable harm without a stay of the superior court's May 27, 2022 order preventing Tangwall from filing motions relating to matters already decided by the superior court and affirmed by this court. IT IS FURTHER ORDERED that if Tangwall has not filed a cost bond by the close of business August 29, 2022, this appeal WILL BE DISMISSED WITHOUT FURTHER NOTICE.

Entered at the direction of an individual justice.

Clerk of the Appellate Courts



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Ryan Montgomery-Sythe,  
Chief Deputy Clerk

cc: Judge Lyle

Distribution:

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